

RESOLUTION OF THE GOVERNING BODY  
OF THE THREE AFFILIATED TRIBES  
OF THE FORT BERTHOLD RESERVATION

- WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and
- WHEREAS, The Constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and
- WHEREAS, Article VI, Section 5(a) specifically authorizes and empowers the Tribal Business Council to manage all economic affairs of the Three Affiliated Tribes; and
- WHEREAS, Article VI, Section 5(j) specifically authorizes and empowers the Tribal Business Council to protect the property and the cultural integrity of the Three Affiliated Tribes and of the enrolled members thereof; and
- WHEREAS, Article X of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers amendment of the Tribal Constitution by referendum vote of the Tribal People; and
- WHEREAS, The Tribal Business Council has, by previous resolutions Nos. 84-226-S, 84-187-S, and 84-181-S, approved the amendment of the Constitution of the Three Affiliated Tribes so as to accomplish two things: (1) the amendment of the name of the Three Affiliated Tribes to that of the Mandan, Hidatsa, and Arikara Nation; and (2) to extend Tribal sovereignty over all persons and lands within the exterior boundaries of the Fort Berthold Reservation consistent with federal law; and
- WHEREAS, The present Constitution of the Three Affiliated Tribes does not confer the authority on the Three Affiliated Tribes Business Council to do so without the express delegation of authority from the Tribal People; and
- WHEREAS, The Tribal Business Council recognizes that such Constitutional amendments are vital to the efforts of the Three Tribes to defend the political rights and natural resources of the Three Affiliated Tribes; and
- WHEREAS, The Tribal Business Council has previously directed the Legal Department to prepare the ballot for submission to the Tribal People in accordance with 25 CFR Part 81; and
- WHEREAS, The Legal Department has prepared such a ballot and has presented the same to the Department of the Interior and to the Solicitor, and the Department of the Interior and the Solicitor's Office have completed a review of the proposed ballot and have approved the ballot as being consistent with federal law; and

VOTE FOR, OR AGAINST THE FOLLOWING AMENDMENT TO THE CONSTITUTION OF THE THREE AFFILIATED TRIBES OF THE FORT BERTHOLD RESERVATION BY PLACING AN "X" OR CHECK MARK (✓) IN THE APPROPRIATE SQUARE

PRESENT LANGUAGE

PROPOSED AMENDMENT

1. The legal and formal name is presently "The Three Affiliated Tribes of the Fort Berthold Reservation."

The legal and formal name is hereby changed to "The Mandan, Hidatsa, and Arikara Nation of the Fort Berthold Reservation."

2. Article I of the Constitution, entitled "Territory," now reads:

Article I--Territory

The jurisdiction of the Three Affiliated Tribes of the Fort Berthold Reservation shall extend to Indian Trust and Tribal lands within the confines of the Fort Berthold Reservation, as defined in the treaty of September 17, 1851; to lieu lands outside of such boundaries; and to such other lands, within or without such boundaries, as have been or may be hereafter added thereto under any law of the United States, except as otherwise provided by law.

Article I will read upon adoption of this amendment to the Constitution:

Article I--Jurisdiction

The jurisdiction of the Mandan, Hidatsa, and Arikara Nation of the Fort Berthold Reservation shall extend to all persons and all lands, including lands held in fee, within the exterior boundaries of the Fort Berthold Reservation as defined by the Act of March 3, 1891, 26 Stat. 1032; to all lands added to the Fort Berthold Reservation by Executive Order of June 17, 1892; and to such other persons and lands as may hereafter come within the jurisdiction of the Mandan, Hidatsa, and Arikara Nation, except as otherwise provided by law.

3. Article VI of the Constitution, entitled "Powers," now reads:

Article VI--Powers

Section 1. The Three Affiliated Tribes of the Fort Berthold Reservation, acting through their Tribal Business Council, shall have the powers enumerated in this Article, but any power exercised through that Council shall be subject to a popular referendum as provided in this Constitution.

Section 2. The exercise of the powers enumerated in this Constitution is subject to any limitations imposed by the Statutes of the United States or the Constitution of the United States, and to all express restrictions

Article VI will read upon adoption of this amendment to the Constitution:

Article VI--Powers

Section 1. The Mandan, Hidatsa, and Arikara Nation of the Fort Berthold Reservation, acting through its Tribal Business Council, shall have the powers granted by this Article; but any power exercised through that Council shall be subject to a popular referendum as provided by this Constitution.

Section 2. The exercise of the powers granted by this Constitution is subject to any limitations imposed by the statutes of the United States or by this Constitution and By-laws

PRESENT LANGUAGE

Section 3. The powers enumerated in this Section 3 shall be subject to the approval of the Secretary of the Interior, and may be exercised through the Tribal Business Council which shall have the power, subject to popular referendum as provided in Article VIII of this Constitution.

(A) To present and prosecute any claims or demands of the Three Affiliated Tribes and to assist members of the Three Affiliated Tribes in presenting their claims or grievances before any court or agency of government, and to employ attorneys of record or representatives for such services, and to determine their fees.

(B) To promulgate ordinances governing law enforcement on the reservation, and to set up courts for the trial and punishment of offenders against such ordinances in cases which do not come within the jurisdiction of the federal courts exclusively.

(C) To promulgate ordinances and to adopt rules and regulations and codes for the regulation of the domestic relations of members, and governing marriages, divorce, legitimacy, adoption, the care of dependent, the punishment of offenses against the marriage relationship, and the issuance of licenses and decrees of divorce; all of the matters enumerated in this section to be administered by the Tribal Business Council through a reservation or tribal court, except such of these matters as the Tribal Business Council may by ordinance or resolution leave to state laws and courts.

(D) To remove or exclude from the limits of the reservation, non-members of the tribe, excepting authorized government officials and other persons now occupying reservation lands under lawful authority, and to prescribe appro-

PROPOSED AMENDMENT

Section 3. The People of the Fort Berthold Reservation hereby grant to the Tribal Business Council of the Mandan, Hidatsa, and Arikara Nation all necessary sovereign authority-- legislative and judicial--for the purpose of exercising the jurisdiction granted by the People in Article I of this Constitution. Further, the People hereby authorize the Tribal Business Council to delegate to the Tribal Court such judicial power and authority as may be necessary to realize the jurisdiction granted by the People in Article I of this Constitution.

Section 3(a). To present and prosecute any claims or demands of the Mandan, Hidatsa, and Arikara Nation, and to assist members of the Nation in presenting their claims or grievances before any court or agency of government, and to employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

Section 3(b) The People of the Mandan, Hidatsa, and Arikara Nation, in order to achieve a responsible and wise administration of this sovereignty delegated by this Constitution to the Tribal Business Council, hereby specifically grant to the Tribal Court the authority to enforce the provisions of the Indian Civil Rights Act, 25 U.S.C. § 1301 et seq., including the award of injunctive relief only against the Tribal Business Council, if it is determined through an adjudication that the Tribal Business Council has in a specific instance violated that Act.

PRESENT LANGUAGE

PROPOSED AMENDMENT

Section 4. Any resolution or ordinance which, by the terms of this Constitution, is subject to review by the Secretary of the Interior shall be presented to the Superintendent of the Fort Berthold Reservation, who shall, within 10 days thereafter, approve or disapprove the same.

Section 4. Any resolution or ordinance which, by the express requirements of federal law is subject to the approval of the Secretary of the Interior, shall be presented to him, and he shall, within ten (10) days thereafter, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may within ninety (90) days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the Tribal Business Council of his veto.

If the Superintendent shall refuse to approve any resolution or ordinance submitted to him within ten (10) days after its enactment, he shall advise the Tribal Business Council of his reasons therefor. If these reasons appear to the Council insufficient, it may by a majority vote, refer the resolution or ordinance to the Secretary of the Interior, who may, within ninety (90) days of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

Section 5(j). To protect and preserve the property, wildlife, and natural resources of the Tribes; to regulate hunting and fishing on tribal lands; and to cultivate and preserve native arts, crafts, culture, ceremonials and traditions.

Section 5(j). To protect and preserve the property, wildlife, and natural resources of the Nation; to regulate hunting and fishing on all lands within the jurisdiction of the Nation; and to cultivate and preserve native arts, crafts, culture, ceremonies, and traditions.

AMENDMENT

YES  I vote in favor of adopting the above amendment.

NO  I vote against adopting the above amendment.

CERTIFICATION

I, \_\_\_\_\_, hereby certify that I am an enrolled member of the Three Affiliated Tribes and that I will be 18 years of age or older on the election date of January 30, 1985; and that I am therefore entitled to vote in that election.

NOW, THEREFORE, BE IT RESOLVED, That the aforesaid ballot is approved in its present form, which is attached to this Resolution and made a part hereof by reference, as the official ballot for the forthcoming Secretarial election on these issues, and that the Legal Department is directed to work with Mr. Leo Brockie, Jr., Superintendent of the Fort Berthold Agency, to expeditiously arrange for the Secretarial election consistent with 25 CFR Part 81.

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 11 members, of whom 7 constitutes a quorum, 7 were present at a SPECIAL Meeting thereof duly called, noticed, convened, and held on the 3<sup>rd</sup> day of DECEMBER, 1984; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 member not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 3<sup>rd</sup> day of December, 1984.

Jah Changin  
Secretary, Tribal Business Council

ATTEST:

Alyce Speed Bean  
Chairman, Tribal Business Council